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INCORPORATING Stolen Art Alert

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Editor in Chief: Sharon Flescher
Editor: Kathleen Ferguson
Designer: Ellen Nygaard Ford

International Foundation for Art Research
500 Fifth Avenue, New York, NY 10110
Tel: (212) 391-6234
Fax: (212) 391-8794
www.ifar.org

Sharon Flescher, Executive Director
Kathleen Ferguson, Assistant to the Director
Virgilia H. Pancoast, Consultant, Authentication Service

Research Associates
Clara G. Bronson, Hermine Chivian-Cobb, Paul Crenshaw,
Lisa Goldberg, Anne W. Lowenthal, Margaret I. O'Brien

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COVER: Simon Bening (Flemish, 1483–1561). A miniature painting from the *Book of Hours of Duke Johann Albrecht von Mecklenburg* depicting Saint Anthony of Padua and the Miracle of the Ass, inscribed "Ora Pro Nobis." Reclaimed in May 1998 by the University of Kassel in Germany.

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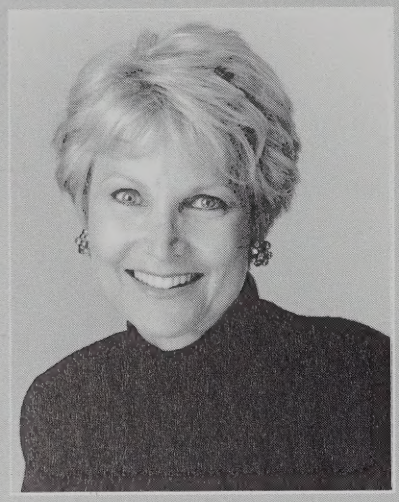
A Note from the New Executive Director of IFAR – Sharon Flescher



I would like to introduce myself. I am the new Executive Director of IFAR, succeeding Constance Lowenthal, who served the organization so well for twelve years. Like Connie, I come to you with a Ph.D. in art history, mine from Columbia University, with a specialization in 19th and 20th century European art. I bring with me a varied career that has straddled the worlds of academia, museums, philanthropy, and arts administration, and has included positions at the National Endowment for the Humanities, the Metropolitan Museum, the Equitable Foundation, and, most recently, the Central Park Conservancy. Currently, I am also an Adjunct Professor at New York University, SCE. I hope to bring all that varied experience to bear upon my new position at IFAR.

I join IFAR at a pivotal, but exciting moment in its 29-year history. When IFAR was created in 1969 by a group of eminent scholars and collectors, its original purpose was to educate people about and prevent the circulation of fraudulent and misattributed art and to deal with cultural property and other legal issues. Our role was – and is – to be an objective and scholarly "think-tank," resource, and educational organization. In the 1970s, IFAR expanded its purview and shifted its focus to include art theft, after a rash of thefts highlighted the need for a central archive to help prevent the trafficking in stolen art. We created an "Art Theft Archive," which, with the help of a for-profit organization, the Art Loss Register (ALR), was transformed in 1991 into a sophisticated image database that currently contains almost 100,000 records. Last year, all responsibility for the database was shifted to the ALR, which recently moved out of office space it had shared with us and into larger quarters. We continue to work closely with the ALR, however, in preparing the "Stolen Art Alert" section in the *IFAR Journal*. In this way and others, IFAR will remain involved in issues related to art theft, art ownership and cultural property, and we will continue to highlight them in the *Journal* and in our programs. But we are now able to rededicate ourselves to art authentication – including fakes and forgeries – and also to seek out new areas and issues where we can be of service to our constituency.

Many people are unaware that IFAR has maintained an Art Authentication Service almost since its inception. This service – which as far as we know is unique in the United States – objectively researches art objects whose

authenticity or authorship are in question. Because IFAR's experts and researchers are held harmless from litigation, they are free to render objective opinions, and IFAR is free to publish the results of the research in the *IFAR Journal.* In fact, I'd like to draw your attention in this issue to Paul Crenshaw's discussion of two purported Titian paintings that were brought to us for review. Because of IFAR's stature and its eminent Art Advisory Board, we are able to draw upon the expertise of the world's most respected scholars to aid us in our research.

IFAR is also known for its stimulating public programs and scholarly symposia. I am pleased to tell you that IFAR's Board of Directors and I are actively developing a new roster of programs to kindle – and rekindle – your interest. We will announce them very soon

A word about the *IFAR Journal.* This is the second issue of the *IFAR Journal,* a quarterly magazine which this Spring replaced *IFARreports.* All subscribers to *IFARreports* were automatically made subscribers of the *Journal.* We have gotten very positive feedback about the first issue, and the kudos go to Kathleen Ferguson, who pulled that issue together. We will continue to refine the new format and expand the contents. You will notice many changes in this issue. We welcome your ideas and your letters. We want this magazine to become a lively and essential forum for debate on issues concerning our constituency. I draw your attention in this issue to the new "letters to the editor" section, featuring an interchange between two eminent attorneys in the field of art law, Franklin Feldman and John Merryman, regarding the French "droit morale," as a follow-up to the article in the Spring issue of *IFAR Journal.*

Thank you for your support of IFAR. I look forward to meeting you at IFAR events and sharing ideas with you.

Letters to the Editor:

Franklin Feldman's article in your first issue entitled "The French Law of Experts: A Corrected View" itself calls for correction. Mr. Feldman, writing about the right of attribution, disputes the supposition that one who holds the artist's moral right under French law has a "right to authenticate the work of a deceased artist." Although Mr. Feldman (and Mr. Reeves, whom Mr. Feldman cites) are, in a narrow sense, partly right, there is a broader sense in which they have it wrong.

The artist's right of attribution is a component of the moral right[1] that entitles the holder to insist: 1) that works by the artist be so recognized and identified and 2) that works not by the artist not be attributed to him/her. The way it works in France is accurately summarized in the following excerpt:

> In the United States, the infrequent occasions for a judicial determination of the authenticity of questioned works of art are provided by civil actions brought by purchasers for breach of warranty of authenticity and criminal actions for fraud, forgery or criminal simulation. In France, however, there is additional possibility: the holder of the artist's moral right of attribution (sometimes called the right of paternity) has standing to institute seizure of the offending work *(la saisie contrefaçon)* and an inquiry into its authenticity and to bring civil and criminal actions for wrongful attribution of the work to the artist. If the questioned work is found to be inauthentic, a variety of remedies is available, including damages, destruction of the offending work and publication of the determination of inauthenticity. The narrowly defined right of attribution in the United States in the Visual Artists Rights Act of 1990 and the possibility of protection against misrepresentation of the artist's identity under the Lanham Act have as yet produced nothing remotely equivalent to the significance of the right of attribution under French law.
>
> The French law gives the holder of the moral right of attribution an interesting and, in practice, valuable power. Refusal to authenticate a work implies the threat of a civil or criminal action questioning its authenticity, while agreement that the work is authentic removes that threat. In the event of litigation, the defendant's experts can of course contest the claim of inauthenticity, but the practical momentum is with the plaintiff who holds the right of attribution. Her refusal to concede authenticity significantly impairs the work's marketability. The natural result is that those offering the artist's works for sale are prepared to pay the holder of the right of attribution to authenticate them. The holder of the legal *right* of attribution thus has a significant de facto *power* of attribution that is a sort of franchise. If works by the artist are commercially successful, it can be a significant source of income.[2]

Of course it is true, as Mr. Feldman states, that anyone can claim to be an expert on the work of an artist. But only the holder of the artist's right of paternity/attribution has standing to invoke this forbidding array of judicial remedies against incorrect attributions. The point is more fully explained in the article from which the excerpt is taken.

John Henry Merryman
Stanford Law School

1. The artist's moral right, a creation of French law, is actually a collection of separate rights of which three are particularly significant: the right of divulgation, the right of paternity and the right of integrity of the work of art. For authoritative discussions see Henry Desbois, *Le droit d'auteur en France* (3rd ed. 1978); Merryman, "The Refrigerator of Bernard Buffet," 27 *Hast. L.J.* 1023 (1976).

2. Merryman, "The Moral Right of Maurice Utrillo," 43 *Am J. Comp. L.* 445-46 (1995).

AUTHOR'S RESPONSE:

Professor Merryman questions the accuracy of my report on the symposium dealing with the French Law of Experts held under the auspices of IFAR in December. With due respect, I believe that Merryman is misguided and that his understanding may need correction.

Some slight backround is relevant. For my part, the Symposium was prompted by a French lawyer attending my seminar on Art Law at Columbia Law School who questioned the implication in the *Greenwood v. Koven* case (880 F. Supp. 186 (S.D.N.Y. 1995)) that suggested that the holder of the moral right had the right to determine authenticity of the artist's work. At the December symposium, IFAR invited Van Kirk Reeves, a member of the French Bar who has specialized in French art law for approximately 30 years, to be a panelist. In no uncertain terms, he confirmed the view of the other French lawyer. Reeves stated that the French Court – not the holder of the moral right – has the power and right to determine authenticity. Even the artist himself is not permitted under French law to determine authenticity. The artist himself, as the holder of the moral right, has the right to ask the court to declare that a picture is false. In determining authenticity, the court relies on an expert it selects. The expert selected would normally place great reliance on the view of the artist, but would generally consult other parties who are knowledgeable as to the artist's work. The expert is normally chosen from the list of *"Experts près la Cour d'Appel de Paris" or from the list of "Experts près la Cour de Cassation."* A French court can, however, if it so determines, appoint an expert who is not on such a list.

Following receipt of Professor Merryman's letter, I again consulted Mr. Reeves to determine if I had misunderstood his position. I had not. Mr. Reeves has now written me as follows: "In summary, Professor Merryman, in my opinion, is placing too great importance on the fact that the holder of the right of attribution has standing in a French court to challenge authenticity. However, it is not for such holder to determine authenticity, which is a task that the court reserves for itself." In fact, a recent *Cour de Cassation* case (involving the artist Faurier) held that the opinion of the holder of the moral right did not control the issue, and indeed the expert who authenticated the work at the time of sale and the auctioneer who sold it were held to be negligent for not obtaining further opinions.

Mr. Reeves further points out that others have the right to require the Court to determine authenticity. Thus, he writes: "A buyer of a Work sold to him as authentic also has the right to have the Work reviewed for its authenticity, to see if a mutual mistake between buyer and seller has been made that would require the sale to be rescinded. Likewise, the buyer, in an appropriate factual situation, could bring a case asserting civil or criminal fraud on the part of the seller in regard to the sale of an unauthentic Work sold as good, and require the court to determine the authenticity of the Work."

Professor Merryman refers to the "valuable power" of withholding an opinion of authenticity. In my article I was dealing with legal rights, not of one's ability to extort a payment for the rendering of a favorable opinion. Of course, one holding the moral right can make all sorts of threats, notwithstanding his underlying lack of legal right to determine authenticity. If one wished to deal with that issue, a better place to look, in my opinion, would be to the person who is preparing the catalogue raisonné of an artist's work. That person has real power, and that is where a threat of an adverse opinion can seriously affect marketability with little recourse.

I know that it is comforting to cite one's own prior writings to support a proposition. I do not know if Professor Merryman is a member of the French Bar. But if he is not, may I suggest that it may be a bit presumptuous to question, by citing your own articles, the opinion of two French lawyers, both of whom have knowledge of the issue of moral right and the ability to authenticate a work of art under French law. In any event, Van Kirk Reeves may have the right perspective. He has concluded his confirming letter to me as follows: "In no way do I wish to denigrate Professor Merryman's extraordinary contribution to the study of art law, but these moral right issues are not easy, and if this issue is not made clear, we risk leading American courts to judgments which contradict the marketplace and which contradict French law as well."

Franklin Feldman

Two Would-Be Titian Emperors Arrive at IFAR

Fig. 1 *Emperor Vitellius.* Oil on canvas. 39½ in. x 50½ in. Presented to the Authentication Service at IFAR. Artist unknown. Private collection. Shawnee-on-Delaware, Pennsylvania.

It was such a peculiar coincidence at IFAR's Art Authentication Service, we thought of running a headline: "Roman Emperors Simultaneously Descend on New York." The ensuing research provided fodder fit for the tabloids: "Great Fire Destroys Art Masterpieces – But Copies Survive." The coincidence was that two paintings representing Roman Emperors were almost simultaneously submitted to the IFAR Art Authentication Service not long ago from different owners in different parts of the United States. Both were bust-length portraits, one showing Vitellius in stern profile (Fig. 1), the other a portly Domitian (Fig. 2). Both were submitted to IFAR in the hope of verifying attributions to the eminent Venetian painter Titian (1488–1576). The *Vitellius* came from a private collection in Pennsylvania, while the *Domitian* hailed from Texas. Could the owners' curiosity have been piqued by the recent exhibitions celebrating the quincentenary of Titian's birth? We do not know, but the simultaneity was indeed striking.

In the end, both paintings were deemed by IFAR to be copies after a destroyed series of Roman Emperors painted by Titian in 1537–38 and augmented by Bernardino Campi (c. 1522–92) in 1562. But – and this is one of the most interesting aspects of the investigation – the two copies presented to IFAR were clearly executed by different artists, albeit around the same time, probably the late sixteenth or early seventeenth century. Moreover, while one of the paintings was a copy of a Titian, the other was a copy of the one emperor that Campi contributed to the portrait series. Nonetheless, while IFAR cannot report the rediscovery of two lost paintings by Titian, the authentication study proved extremely instructive.

Titian created a portrait series of eleven Roman emperors for the Duke of Mantua, Federigo Gonzaga, in 1537–38.[1] In 1562, Bernardino Campi, a lesser known Cremonese painter, added a twelfth emperor, Domitian, to complete a full series of twelve in accordance with the custom initiated by the ancient writer Suetonius (c. 69–122) In his *De Vita Caesarum.*[2]

[1] For the documents relating to the dating of the paintings and their delivery to Mantua, see Harold E. Wethey, *The Complete Paintings of Titian. Vol. III: The Mythological and Historical Paintings.* London: Phaidon, 1975, cat. L-12.

[2] Knowledge of Campi's contribution comes from Alessandro Lamo, *Discorso... intorno alla scoltura et pittura...di Bernardino Campo pittore Crimonese,* Cremona, 1584, pp. 77–78. The reasons that Titian initially painted only eleven of the customary twelve remain unclear. As Wethey has found, the original room, the *Galleria dei Cesari* in the Ducal palace in Mantua, has space for only eleven works. Campi's later contribution presumably hung alone in an adjoining room. Three sixteenth-century writers refer to twelve paintings by Titian: Pietro Bembo, in a letter of 1537 to Isabella d'Este; Carlo Dolce, in his treatise of 1557; and Giorgio Vasari, in his *Vite* of 1568. Their remarks, however, were made in passing, while Lamo stated clearly that Campi made a twelfth emperor, Domitian, to complete Titian's set in 1562. Also corroborating the assumption that Titian did not make a twelfth emperor is a Mantuan inventory of 1627 which lists eleven emperors by Titian and one, curiously, by Giulio Romano. It must be that the true painter of the final work, Campi, was forgotten by that time. For the complete references, see Wethey, ibid., note 1.

The eleven *Emperors* by Titian and the one by Campi passed from Mantua to the collection of Charles I of England in 1627–28. All of the Titian *Emperors,* but apparently not the one by Campi, were sold after the death of Charles I to a Captain Stone in 1651, who in turn sold them to Alonso de Cardenas, the Spanish ambassador in London. The paintings then entered the Spanish royal collection, and they were installed in the grand Southern Gallery, or the Gallería de Mediodia, of the Alcázar Palace in Madrid.

Tragically, the entire series of Titian's *Emperors* was destroyed in a colossal fire at the Alcázar in 1734.[3] Drunken servants in the kitchen quarters were celebrating Christmas Eve when the fire broke out. It raged for several days. Although two wings of the Alcázar were spared from the blaze, as well as the sacristy relics and many of the masterpieces from the state rooms, approximately 537 paintings – one third of the palace collection – were lost, including Titian's *Emperors* series. A report by Jean Ranc, the French court painter to Philip V, submitted eleven days after the fire on January 5, 1735, clearly states that the *Emperors* were placed so high on the walls that they could not be saved by the firefighters.[4]

Because the tragic fate of Titian's original series for the Duke of Mantua is so well documented, IFAR concluded that the *Vitellius* submitted for investigation did not belong to that particular set of paintings. However, we did explore the possibility that this painting represented another, previously unknown, version by Titian or his workshop. But the style and technique of the painting ultimately did not support this conclusion. On the basis of photographs submitted by the owner, IFAR's experts determined that the painting bore little of Titian's expertise in anatomy or paint application. It lacked a subtlety in the facial expression and the delicacy of modeling that characterize Titian's authentic work. The *Vitellius* was deemed to be most likely a copy from the later sixteenth or early seventeenth century.

As for the *Domitian* submitted to IFAR, it is heavier in its chiaroscuro and bolder in its physiognomic characterization than the *Vitellius,* indicating that the two works must have been made by separate hands. Still, IFAR could not support an attribution to Titian for the *Domitian* either. For one, Titian apparently did not make a Domitian for the Mantuan series. The *Domitian,* as noted above, was Campi's contribution to the series. For another, it too did not bear the stylistic features or technical merit of Titian himself. It remained a possibility that the *Domitian* was, in fact, Campi's actual painting from the original series, since its history and ownership is unrecorded after it

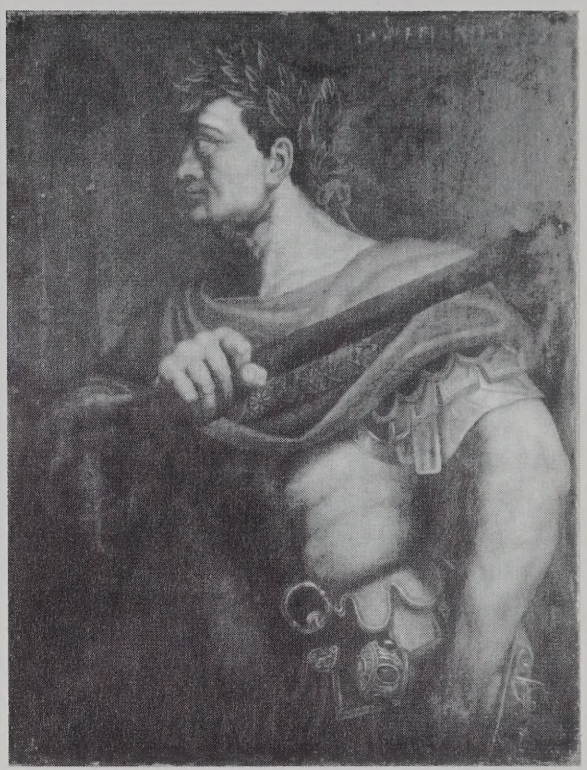


Fig. 2. *Emperor Domitian.* Oil on canvas. 52½ in. x 40½ in. Presented to the Authentication Service at IFAR. Artist unknown. Private collection, San Antonio, Texas.

[3]Wethey gives a full account of the fire and the fate of the *Emperors* in his article "The Madrid Fire of 1734. The Real and Assumed Damage to Titian's Paintings," in *Ars Auro Prior. Studia Ioanni Bialostocki Sexagennario Dicata. Warsaw,* 1981, pp. 251–55.

[4]Ibid.

Fig. 3. Aegidius Sadeler II (1570–1629). *Emperor Vitellius.* Engraving. The Metropolitan Museum of Art, Harris Brisbane Dick Fund, 1953. {53.601.339(9)}.

entered the collection of England's Charles I. However, Dr. Renato Berzaghi in Mantua, an expert on the patronage of the Gonzaga, attested in correspondence with the owner of the *Domitian* that an attribution to Campi was not credible.

Many copies of the original series by Titian and Campi were made in the two centuries prior to the Alcázar fire. This is not surprising, given Titian's renown and the prominent collections which this particular portrait set adorned. Campi himself is known to have made five complete sets of copies of the series for various patrons in Italy. The possibility that the two paintings presented to IFAR were also copies after this famous series presented the most likely line of investigation for IFAR once the potential attributions to Titian and Campi were unsubstantiated.[5]

A correspondence between the two *Emperors* submitted to IFAR and one particular set of copies – an engraved reproduction of the entire original set of *Emperors* by the Netherlander Aegidius Sadeler – proved extremely helpful in corroborating the opinion of our experts that the paintings under review dated to a later point in the sixteenth century, or early in the seventeenth. Sadeler, who traveled in Italy in 1592–93, produced an engraved series that, unlike Titian's originals, identified the individual portraits and numbered the emperors I–XII, according to their order of succession.[6] Significantly, like the Sadeler engravings, the *Vitellius* and *Domitian* submitted to IFAR contain inscriptions which read "VITELLIO.IM.VIIII" and "DOMETIANO.IM.XII." This indicates that they were made after the series by Sadeler, and thus must have been produced after c. 1593.[7]

The *Domitian* submitted to IFAR also carried another inscription that called for a brief explanation. The painting was signed "L da Vinci pinxt." IFAR could not support an attribution to Leonardo da Vinci. Firstly, the *Domitian* follows the form of the engraving by Sadeler, and thus it must be dated after c. 1593. Leonardo died in 1519. Secondly, the painting is inconsistent with Leonardo's style, as Professor Jack Wasserman indicated in a letter to the owner, and it is on canvas, a support that Leonardo is not known to have used. The signature is also inconsistent with Leonardo's practice. As to the reasons that such a spurious signature would be added to this painting, one can only guess at the aspirations of a previous owner, or perhaps even the maker of the copy himself, to deceive the market. One might also imagine that the attribution resulted from an "honest" mistake by a later owner, though the severe anatomical nature of the profile or the harsh chiaroscuro bear only the slightest resemblance to Leonardo's portrait studies.

[5]Dozens of extant copies were cited by Wethey, who also made an effort to trace the provenance whenever possible. ibid., note 1. However, the two paintings submitted to IFAR did not conclusively match any of Wethey's descriptions of the copies known to him.

[6]Unfortunately, the reproductions of Sadeler's engravings found in Wethey's catalogue raisonné, ibid, note 1, are cropped and do not show the inscriptions.

[7]Wethey came to the same conclusion regarding a number of other known copies. ibid, note 1.

One of the most difficult tasks for the researchers and expert consultants of IFAR's Art Authentication Service is to reestablish the authorship of copies of well-known compositions, once it is determined that they are indeed copies. In making a copy, an artist subverts his own identity to the characteristics of the object that he reproduces, making it hard to establish patterns of style and technique. In the cases of the *Vitellius* and *Domitian* submitted for authentication, IFAR was able only to conclude that the paintings were probably made in the late sixteenth or early seventeenth century.

With many great artists, including Titian, numerous copies are the norm for several reasons. For one, their renown inevitably draws emulation. Secondly, their own workshop practices, teaching methods, and economic considerations may have led them to produce multiple versions or slight variants on their own inventions. Uniqueness and originality were not always as highly prized as they are today.

Furthermore, there was an enormous market for copies. It enabled collectors to associate themselves with fine pictorial compositions that they could not otherwise obtain, or to emulate the great patrons of their time by owning similar works, or simply to associate themselves with the ideas inherent in the inventions of great artists. Each of these aspects help to explain the proliferation of copies of Titian's *Emperors.*

In today's climate, however, it is sometimes disappointing to find that one owns a copy of a well-known, or once well-known, work of art. The monetary ramifications alone can be enormous. But copies can be extremely fine in quality. They are often, as in the case of the *Domitian* and *Vitellius* that IFAR was asked to authenticate, works of the same period or slightly later than the original, and in that sense they carry an historical association. Moreover, in cases like this investigation, the copies sometimes provide the only extant visual evidence of now-lost masterpieces. It is remarkable, really, that these two vestiges of Titian's *Emperors,* once so widely known and revered, could centuries later turn up simultaneously at IFAR's door.

Paul Crenshaw
Research Associate, IFAR
Ph.D. Candidate, NYU
Institute of Fine Arts

IFAR Art Authentication Service

IFAR offers a unique Art Authentication Service, which works to resolve questions concerning the authenticity and attribution of works of art. As a not-for-profit organization with a distinguished Art Advisory Board, *IFAR* is free to render objective, scholarly opinions unaffected by the marketplace.

IFAR offers its services to individuals, dealers, museums, and other institutions. We examine art only for the owner, or with the owner's consent. Once IFAR and the owner agree to research a work, consult with appropriate experts, and prepare a report, the owner signs a contract and is charged a fee. There is no fee for the preliminary review. As an educational service, IFAR reserves the right to publish the results of its research in the *IFAR Journal.*

For additional information, please call (212) 391-6234

Schiele and Looted Art: A Gallery Director's First-Hand Experiences

Fig. 1. Egon Schiele: *The Bohemian Girl.* (Kallir D. 1522). Photo courtesy Galerie St. Etienne, New York. The Galerie St. Etienne helped the owner recover this stolen drawing in the late 1980's.

In the last months, the subject of Nazi-looted art has suddenly become "hot." Spearheaded by books such as Lynn Nicholas's *The Rape of Europa* and Hector Feliciano's *The Lost Museum,* the topic moved to the front pages in early January of this year when the Manhattan District Attorney subpoenaed two paintings by Egon Schiele, *Portrait of Wally* and *Dead City III,* lent by a museum in Austria to the Museum of Modern Art exhibition on Egon Schiele, and thereby prevented their return to Austria. As the author of the Schiele catalogue raisonné and co-director of the Galerie St. Etienne in New York, however, I became involved with the subject of Nazi art looting long before this current burst of interest. My grandfather, Otto Kallir [--Nirenstein] wrote the first catalogue raisonné of Schiele's oil paintings in 1930, thereby documenting pre-war ownership and making it possible to trace each painting's subsequent path and, (where applicable), spoliation. Kallir, who before World War II ran the leading Viennese gallery specializing in modern art, left Austria within months of the Nazi *Anschluss* in 1938, arriving in New York the following year to found the Galerie St. Etienne. After the War, his position in the New York art-world and his surviving Austrian connections put him in a unique position to help those who had lost art to the Holocaust. Many Austrian refugees turned to him for assistance, which he provided both because he could, and out of a personal sense of moral imperative.

The Galerie St. Etienne's track record in recovering stolen art for its rightful owners, however, was overall mixed. Many paintings simply disappeared without a trace and have so far never surfaced. The collection of the writer and art critic Max Roden, for example, which included six Schiele oils, was reportedly destroyed in a bombing. Two major Schieles owned by Fritz Grünbaum (who also owned *Dead City III*)[1], *Self-Seers I* (Fig. 2.) and *Black Girl,* were never located, although our gallery did make inquiries on behalf of his descendants, the Reif family[2] in the 1980s, when one of these works was advertised for sale by an Austrian auction house. (The painting was subsequently withdrawn from sale, and the auctioneer, needless to say, proved uncooperative.) Lea Jaray-Bondi, the pre-war owner of *Portrait of Wally,* one of the paintings detained by the Manhattan District Attorney, approached Otto Kallir in 1966, after years of fruitless efforts to recover the painting. He pursued the matter until her death, also without success. Alma Mahler-Werfel, legendary femme fatale and wife of, among others, Gustav Mahler, also turned to Kallir for help. Thanks in part to his efforts, several paintings by her father, Emil Jacob Schindler, and one by her former lover, Oskar Kokoschka, were returned, but several other works

[1]It should be noted that the circumstances surrounding *Dead City III* are quite different from those surrounding the two missing Grünbaum Schieles, as *Dead City III* was somehow saved by or returned to Grünbaum's sister-in-law.

[2]The Reif family earlier this year also claimed *Dead City III.*

remain in the Österreichische Galerie, including the star of her collection, Edvard Munch's *Midnight Sun.* In the late 1980s, through luck and clever legal maneuvering, we were able to assist another collector in retrieving a major Schiele drawing, *The Bohemian Girl* (Fig. 1). This drawing was one of the only Schiele works on paper reproduced in a publication before World War II, which greatly facilitated its identification and recovery.[3] The same collector who owned *Bohemian Girl,* however, still has at least two drawings in the collection of the Graphische Sammlung Albertina which have not been returned.

Each of the above stories is different, but the Galerie St. Etienne's files give some sense of the human obstacles which all claimants faced. Forced to resettle abroad, often with scant financial means, and facing as well the emotional upheavals attendant to the entire experience, these people were frequently ill-equipped to fight for their interests. The Allies had mandated that each European government return plundered property after the War, but the Austrian system operated with a double agenda. Seeking to keep as many cultural treasures as possible on native soil (in and of itself a legitmate policy), the Austrians sometimes embroiled claimants in lengthy, complex and costly lawsuits. Establishing ownership conclusively, given the circumstances of immigration, could be difficult, and the Austrians were not inclined to be generous in interpreting the burden of proof. Then, even when ownership was legally acknowledged, claimants might be coerced into ceding a portion of their collections to the State museums to get export permits for the remainder.

The current surge in claims for looted art must be seen against this background of prior recalcitrance and obfuscation. Had the system functioned better, more justly, there would quite simply be far less art left to claim. And of course the Austrians are not the only ones to blame. Other European countries, too, hoarded looted art in their museums, making little or no effort to trace its ownership. The art world as a whole tended to look the other way where provenance was concerned. Relatively few dealers, collectors and curators knowingly trafficked in Nazi-tainted art, but as the War faded into the past, many neglected to ask the right questions. It is, however, difficult to reproach specific individuals for what was in truth a failure in consciousness and conscience on the part of the entire art world. Moreover, very often the necessary information – only now emerging as a product of more detailed research and the declassification of wartime documents – was not on hand. As a number of collectors and museum directors have recently discovered, it is perfectly possible to get unwittingly caught up in claims issues.

Fig. 2. Egon Schiele: *Self-Seers I.* (Kallir P. 174). Photo courtesy Galerie St. Etienne, New York. One of two major "missing" Schiele oils owned by Fritz Grünbaum, who was murdered in Daachau. The painting was advertised by a Viennese auctioneer in the early 1990's, but was subsequently withdrawn from sale.

[3]Due to their low value, Schiele's works on paper were rarely recorded in an identifiable manner until the 1960s or later. The first catalogue raisonné to document the artist's watercolors and drawings, Jane Kallir's *Egon Schiele: The Complete Works,* was only published in 1990.

On both sides of these issues, the emotional stakes are enormous: on the one side are the descendants of owners robbed and in some instances murdered by the Nazis, on the other are collectors and institutions that generally acquired the works in question, occasionally at substantial expense, in good faith. As a result, finger-pointing and hysteria abound. Claimants are accused of opportunism and greed – as though it were greedy to demand compensation for what is rightfully yours. And the present holders of looted or allegedly looted art, themselves in a sense also victims of the art world's systemic failure, are confronted with images of burning bodies, as though they were somehow personally complicit in the Holocaust. Where once claims were quietly stonewalled and ignored, now every claim is greeted with aggressive publicity; the current holders of suspect art works are in effect assumed guilty until proven innocent.

Ultimately, of course, each case must be examined on its merits, but the policies and legal precedents necessary to adjudicate such matters have yet to be fully established. A recent ruling in the MoMA case upheld the New York State law shielding foreign loans from seizure, but it remains to be seen how this ruling will play out on appeal and whether, finally, charges can be sustained with regard to either of the two Schieles. This case and others that have been brought against American collectors and museums raise a host of complicated legal and ethical questions. Can we really ignore the laws of European countries, which (to a greater extent than American laws) generally grant clear title to a good faith purchaser after a period of time, just because the work in question has now ended up in an American collection? Is there not a moral difference between American holders of plundered art and those European institutions – be they in Austria, France, Holland or elsewhere – which may on some level be seen as successors in interest to the Nazi regimes that once ruled those countries? To what extent does a claimant have a duty to diligently search for a lost work and give notice to the present holder once that work is located? How in such cases does one deal with the statute of limitations, which is intended to guard against stale claims? Are adversarial legal proceedings really an effective route for claimants, often the children or grandchildren of owners who even decades ago may have been hard-pressed to definitively prove ownership and loss?

Certainly the American legal system does provide recourse for claimants, while at the same time offering collectors and institutions protection against specious charges. However, in cases involving plundered art, adversarial legal proceedings are often not in the best interest of either plaintiffs or defendants. A lawyer who specializes in restitution issues recently said that he now advises claimants not to bother bringing action unless the art in question is worth at least $3,000,000. In one well-publicized lawsuit that has not yet gone to trial, the defendant's legal costs are already approaching $1,000,000. Certainly it would be preferable if the parties to such suits could work out an extra-legal settlement, in a spirit of mutual compromise. Better still would be the establishment of an independent fund (using public or private monies or a combination of both) to pay legitimate claimants, so that good-faith purchasers are not unjustly penalized. In this sort of forum, with good will on both sides, claims might be evaluated on their moral merits, employing a standard of proof less onerous than that required in a court of law.

Clearly the art world has undergone a sea change, and no one will ever again look at provenance the same way. Dealers, collectors and curators may in the past have been too cavalier about provenance, but no responsible person wants to buy or sell stolen art. Whether one ascribes this to the individual's moral integrity, or to a fear of the financial and legal ramifications of getting caught is of no matter. The important thing is that our consciousness as to what constitutes stolen art has now been raised to incorporate a heightened awareness of plundered material. Whatever was common practice in the past, hereafter this awareness must always be taken into account.

At the same time, however, one must be realistic about what is feasible and sensible. Many artworks do not have much traceable provenance and never will. Only pieces whose prewar ownership is established and was demonstrably breached can justifiably be subject to question, and the vast majority of works are unimpeachable. Witch-hunting, even in the name of Holocaust victims, is to be deplored, and is in fact detrimental to legitimate claimants, whose moral impunity is sullied by the admixture of spurious allegations. The Holocaust itself was surely an expression of pure evil, but the present situation is far more nuanced, and extremist, winner-take-all tactics will only result in losers on every front. On the other hand, with reason and compromise all around, perhaps the art world can at last be cleansed of the genuinely questionable items and justice finally served.

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Co-Director, Galerie St. Etienne, New York

Works of Art Missing Since World War II

As a service to our readers, IFAR has arranged to have bound archival photostatic copies made of the following titles that are no longer in print:

Répertoire des biens spoliés en France durant la guerre, 1935–1945, Tome II: Tableaux, tapisseries et sculptures. (Berlin: Impr. Nationale, 1947.) Approx. 700 pp. (incl. 178 pages of photos). $155.00 (U.S.). Includes shipping and handling.

Verlorene Werke der Malerei in Deutschland in der Zeit von 1939 bis 1945: zerstörte und verschollene Gemälde aus Museen und Galerien. (Munich: Ackermanns, 1965.) Approx. 468 pp. (incl. 225 pages of photos). $120.00 (U.S.). Includes shipping and handling.

To order a copy of either or both books, please fax complete billing and shipping information to Kathleen Ferguson at IFAR, (212) 391-8794. IFAR will send an invoice to the billing address.

Deadline for ordering: September 1, 1998. Allow eight weeks for delivery.

IFAR is seeking Volume I of *Répertoire des biens spoliés en France durant la guerre*, 1935–1945 for its library. Anyone who knows where we can obtain a copy should contact IFAR at (212) 391-6234.

ART BREAK

Art authentication is often an inexact science and can change with the current state of knowledge. Even the great Bernard Berenson could change his mind and also was not above an occasional "favor" for a friend. John Walker, former Director of the National Gallery of Art in Washington, in his autobiography, *Self Portrait with Donors,* tells the following anecdote:

Early in Walker's career, he persuaded Rush Kress, a major donor, to purchase an Italian masterpiece, *The Adoration of the Magi,* for the National Gallery on the basis of Berenson's reattribution years before of the work from Fra Filippo Lippi to Lippi's teacher, Fra Angelico. As a condition of sale, Kress insisted that Walker obtain Berenson's article saying that. But, to Walker's dismay, Berenson had by then changed his mind and told Walker: "I now know I was wrong...The painting is not by Fra Angelico. It is really by Fra Filippo Lippi!" Walker was crushed but didn't give up. He brought out all the old research material. "After a long time, stroking his beard, B.B. looked up and with a conciliatory smile said, 'Johnnie, I do think just before he died Fra Angelico may have painted one or two of the figures. Looking at the photographs again, I can just barely discern his touch'." With that, the purchase was made, and the painting was later hung at the National Gallery with the label "Fra Angelico and Fra Filipo Lippi."

Update: A Resolution to a WW II German University Mystery

Fig. 1. Simon Bening (Flemish 1483–1561). A miniature painting from the *Book of Hours of Duke Johann Albrecht von Mecklenburg* depicting The Coronation of the Virgin Mary. Reclaimed in May 1998 by the University of Kassel in Germany.

Last April, IFAR reported on a World War II art restitution dispute that we're very pleased to report has just been resolved to everyone's satisfaction. [cf. Constance Lowenthal, "Yet Again: Suit to Recover Art Missing Since World War II." *IFARreports,* April 1997.] The dispute was between the Library of the University of Kassel, Germany, and a Brookline, Massachusetts antique rug dealer, Thomas Chatalbash, for possession of seven valuable sixteenth century miniature paintings that were taken from Germany at the end of World War II. The Library, which owned the manuscripts for two centuries, had hidden them along with other treasures in a mineshaft in Germany to protect them from bombing during the war. They disappeared in 1945, while they were under the protection of American authorities. Fifty-three years later, on May 14, they were returned in a ceremony at the German Consulate in Boston.

The miniatures were once part of an acclaimed prayer book called the *Book of Hours of Duke Johann Albrecht von Mecklenburg,* which originally contained 44 miniatures painted in tempera on parchment, measuring approximately 5 x 7 inches each. But in the seventeenth century, the miniatures were removed from their binding to allow them to be displayed separately. Of the seven found in Brookline, four were painted by Simon Bening, the noted Flemish manuscript artist whose art was extremely influential for German artists of the sixteenth century.

The whereabouts of the miniatures was unknown for more than 40 years after the War, until 1989 when three were spotted by chance on the walls of Mr Chatalbash's Brookline rug shop by Alan Shestack, then Director of the Boston Museum of Fine Arts, and now Deputy Director of the National Gallery of Art in Washington, D.C. Mr. Chatalbash was unaware of both the value and origin of the works, which he had bought in 1974 for only $200, and he had actually kept the miniatures stored in a drawer for several years. Mr. Shestack had the works authenticated and urged that they be returned to Germany, but when he realized that Mr. Chatalbash had no intention of returning them, Shestack pulled the Boston Museum out of the picture, apparently concerned about potential legal ramifications. It was only the threat in 1996 by Richard A. Linenthal, a British manuscript expert, to report Chatalbash to authorities that brought all the details out into the open. Linenthal had been brought in by Mr. Shestack to help authenticate the works and had been urging Chatalbash for several years to return them, to no avail.

The lawsuit brought by the University of Kassel was contested by Mr. Chatalbash, who claimed legal ownership of the works, which he had bought in good faith. Chatalbash's attorneys insisted, moreover, that absent the German University's ability to prove that the paintings had actually been "stolen," which initially it was unable to do, their client had sound legal claim to ownership.

The case was ultimately resolved this spring when an elderly Connecticut man, William A. Braemer, admitted pilfering the miniatures from the mineshaft in 1945. Braemer was tracked down by Willi Korte, the noted Washington art investigator, who was helping the German University. According to Braemer's wife, and as reported by Walter Robinson in the *Boston Globe*, who followed this story closely, her husband was a civilian employee of Republic Aircraft in 1945 and had been assigned to gather material about the German Messerschmidt aircraft, which was kept in the same mineshaft as the Kassel treasures. Braemer pilfered the miniatures, along with several other treasures, including an 11th century Cicero manuscript. He kept the miniatures stored for 30 years before selling them for about $100 to an antique dealer, who subsequently sold them to Chatalbash, for $200. After initially denying the charges, Braemer signed an affadavit this May admitting the theft, thus clearing the way for the University of Kassel to reclaim them.

Fig. 2. Simon Bening (Flemish, 1483–1561). A miniature painting from the *Book of Hours of Duke Johann Albrecht von Mecklenburg* depicting The Visitation. Reclaimed in May 1998 by the University of Kassel in Germany.

Fig. 3. Simon Bening (Flemish 1483–1561). A miniature painting from the *Book of Hours of Duke Johann Albrecht von Mecklenburg* depicting the Virgin presenting the infant Jesus to the High Priest, Simon, who recognizes the Savior ("Nunc Dimitis") Reclaimed in May 1998 by the University of Kassel in Germany.

In the ceremony at the German Consulate in Boston in May, the extraordinary miniatures were exhibited for the first time in nine years, after having been kept in a safe deposit box. Then they were returned to the University. As part of the settlement, Chatalbash, who attended the ceremony, did not go away empty-handed. The University withdrew its claims against him of "fraudulently concealing" his possession of the artwork, and he received a monetary reward, thanks to a donation from the German arm of the accounting firm, KPMG Peat Marwick.

This case, which ended happily for all, took years to settle, and was noteworthy for several reasons. First, that such valuable artworks managed to pass hands twice in 50 years without the parties knowing what they really possessed. Secondly, that the works were not even exhibited for most of that time, and when Chatalbash did hang three of them, he put them in inexpensive frames. Thirdly, that only a chance visit by a scholar uncovered them; and that the Museum of Fine Arts in Boston did not report the works to the authorities when it was clear what they were and where they rightfully belonged. The Museum says that under its current rules, that wouldn't happen. With so much attention focussed at this moment on art stolen or looted during World War II, it is unlikely that any museum in the future would refrain from getting involved in a similar situation.

Sharon Flescher

New York's Statute of Limitations with Respect to Stolen Art and Holocaust Claims

Discussions of stolen art and the statute of limitations have invariably involved references to the New York "demand and refusal" rule, under which a theft victim could measure his time to institute suit against the possessor of his property (generally three years) from the time of the demand and subsequent refusal by the possessor to surrender possession. Certainly, ever since the 1991 decision in *Guggenheim Foundation v. Lubell,*[1] the principal focus has been on that formulation of the rule and its applicability to claims of holocaust victims for the recovery of their stolen art. I think it fair to state that inasmuch as the rule does not have a specific expiration date for commencing a judicial proceeding, it has appeared to those who have treated the issue as the one rule dominating the question as to the applicable time period limitation with respect to claims brought in the New York courts. Although the demand and refusal rule is often thought of as a substantive rule – i.e., the "demand and refusal" constitute the basis of the claim – the Court of Appeals in *Guggenheim* consistently referred to the defendant's "Statute of Limitations defense."

Overlooked, however, is a New York statute which has direct applicability to any claim brought by non-New York residents, and one which could have a devastating impact on holocaust claims. This is the so-called New York "borrowing statute."

Section 202 of the New York Civil Practice Law and Rules (CPLR), known as the "borrowing statute" provides:

> "An action based upon a cause of action accruing without the state cannot be commenced after the expiration of the time limited by the laws of either the state or the place without the state where the cause of action accrued, except that where the cause of action accrued in favor of a resident of the state the time limited by the laws of the state shall apply."

A very recent decision of the Court of Appeals of New York, the state's highest court, addressed the meaning and purpose of that statue when it was asked by the Federal Court of Appeals to render its opinion as to the statute's meaning. On November 25, 1997, in the case of *Insurance Company of North America v. ABB Power Generation, Inc.,*[2] it rendered its opinion. Disagreeing with an opinion of a Federal District Court, the New York Court of Appeals ruled that the statute means what its clear language says – even if the defendant was not amenable to personal suit in the jurisdiction of the non-resident plaintiff. Thus, where the cause of action arose outside of New York and the plaintiff is a non-resident of New York, the applicable statute of limitation is limited to the time period prescribed by that of the plaintiff's residence. As is obvious, in many situations, this would significantly restrict the claim of a non-New York holocaust victim to recover his stolen art if the suit were instituted in New York as would be required if the defendant were located here.[3] Said the Court:

> "In sum, we conclude that CPLR 202 requires that a court, when presented with a cause of action accruing outside New York, should apply the limitation period of the foreign jurisdiction if it bars the claim. Only where the cause of action accrues in favor of a New York resident is this rule rendered inapplicable. It matters not that

[1] 77 N.Y. 2d 311 (1991)

[2] 91 N.Y. 2d 180 (1997)

[3] A number of cases instituted in New York for the recovery of stolen art were brought by non-residents. See Stroganoff-Scherbatoff v. Weldon, 420 F. Supp. 18 (S.D.N.Y. 1976) (direct descendant of Count Alexander Sergevitch Stroganoff, the original owner); Kunstamluzen Zu Weimar v. Elicofon, 678 F. 2d 1150 (1982) (East Germany and West Germany); Deweerth v. Baldinger, 804 F. Supp 539 (S.D.N.Y. 1992) West Germany.

jurisdiction is unobtainable over a defendant in the foreign jurisdiction or that the parties have contracted to be venued in this State. There is no inconsistency in applying the statute in either of these circumstances, and the purposes of the borrowing statute are in no way undermined by the application of the rule to such cases."

Unfortunately, although the issue has not been raised in a stolen art case in New York, it certainly could be, and it most probably, in light of the ABB Power Generation case, would be held applicable. This is not a purely theoretical issue. If, for example, the theft of the art were alleged to have occurred in Germany – and if the plaintiff is a non-resident of New York – the statute of limitations of Germany would apply. And it is my understanding that the general limitation period in Germany is 30 years from the date of the theft, and only very stringent exceptions can be demonstrated.[4] Similarly, the general rule in France is understood to be 30 years.[5] Furthermore, if the art were removed to another jurisdiction, such as Switzerland, the conflict of law rules of Germany and Switzerland would probably look to Switzerland which would protect a good faith purchaser.[6]

What can be done to avoid this unfortunate result for holocaust victims? There is a proposal circulating among various members of the New York Bar which would replace the demand and refusal rule with the concept of filing a notice of theft with a centralized data base (such as the Art Loss Register) which would provide information to anyone wishing to learn if a theft has been reported. This proposal would protect a purchaser, who claims good faith, and a victim, since if he reported the theft within three years following the theft, he could file his claim after *actual discovery* of the whereabouts of the item. Although some observers have hesitated to lend support to the proposal, it is clear to me that they are unaware of the borrowing statute and its effect in destroying a claim by a non-resident if the cause of action arose outside of New York.[7] Although the proposal, if enacted, would probably by its own terms supersede the borrowing statute in the case of stolen art, a simple amendment to the proposal – specifically stating that the borrowing statute would not apply in such a suit – would not only protect holocaust victim claims, but also claims by other non-residents (perhaps even foreign countries) unaware of the borrowing statute. It is perhaps unfortunate that those seeking to protect the claims of holocaust victims are neglecting to consider the impact of a significant New York statute which could impair the results they seek to achieve.

Franklin Feldman

[4] My understanding is based on informal conversations with a German lawyer specializing in art law (Astrid Müller-Katzenburg).

[5] Based on informal conversations with a French lawyer specializing in art law (Van Kirk Reeves).

[6] See, for example, the English case of Winkworth v. Christie, Manson & Woods, Ltd. [1980] 1 ch. 497, where an English court, in dealing with art stolen in England from a citizen of Great Britain and subsequently sold in Italy to a good faith purchaser held that Italian law applied to protect the good faith purchaser.

[7] The relevance of this statute to the theft of stolen art should not have been unknown to those who are involved in this area of the law. In the book co-authored by Stephen Weil and me (*Art Law* by Feldman & Weil, Little, Brown & Co. (1986)), we discussed the New York borrowing statute as it applied to suits by non-residents. (See §11.2.12). It is interesting to note that at the April 27, 1998 symposium on stolen art sponsored by the Art Committee of The Association of the Bar of the City of New York, no panelist mentioned the New York borrowing statute. Most recently, in late June, Congressman Charles Schumer formulated a bill, entitled the "Stolen Art Restitution Act of 1998," which provides that if a purchaser or seller fails to inquire of a "missing or stolen artwork registry" as to the ownership of a work sold for more than $5,000, he should not be permitted "to assert in a court in the United States a claim, under Federal, State, or otherwise applicable law, to ownership or former ownership of the artwork." The term "missing or stolen artwork registry" is defined to mean "an international registry of registered artworks, including not fewer than 50,000 missing or stolen artworks.

A Comment on the Steinhardt Affair

The term "caveat emptor" is well known to buyers of art, but a recent seizure in New York adds to it a new dimension. This story began several years ago when a local collector purchased in good faith an ancient gold plate, known as a phiale, from a Swiss antiquities dealer, an action which led to a highly publicized legal battle. At a recent (April 27, 1998) open meeting of the Art Committee of The Association of the Bar of the City of New York, I was amazed and indignant to hear remarks challenging collector Michael Steinhardt's acquisition. According to some attendees, Mr. Steinhardt, described as experienced and savvy, failed to exercise "due diligence" in his purchase. After receiving a complaint from the government of Italy, United States Customs agents removed the plate from Mr. Steinhardt's apartment. Following a trial in a United States District Court, the artifact was ordered to be returned to its presumed country of origin. It was alleged at the trial that false customs declarations were made regarding its value and its origin, and furthermore, that the object was stolen from an archaeological site in Sicily.

During the hearing, evidence was introduced that Steinhardt had requested and received from the Swiss purveyor of the phiale an agreement stating that he would be reimbursed if the plate were to be seized by any governmental agency. This contract was taken by some to imply that Steinhardt knew, or should have known, that the piece was stolen. I question this interpretation and disagree that he bears any responsibility for what happened. He had extensively dealt with the New York dealer who, in this case, was his intermediary in the transaction with the Swiss merchant, and had made the customs declaration. Steinhardt's insistence on a right of return if the object was not what the dealer purported it to be is reasonable. It does not, and should not imply that he had any suspicion of theft, or that he knew that his agent had not correctly declared it at customs. He simply did what any cautious person would do to try to protect himself when expending over $1,000,000. Steinhardt also requested and received an examination by experts at the Metropolitan Museum of Art who declared the phiale authentic. This was hardly the action of a man who had anything to hide.

I am acquainted with Mr. Steinhardt and his wife, and am myself a collector. Perhaps that prejudices me about their treatment. They purchase not for investment, but from a genuine love for and interest in antiquity, and are generous in showing their collection. Aside from the invasion of their privacy and home by armed agents, they have been subjected to great legal cost, embarrassment and the loss of their object. Will they obtain reimbursement from the Swiss dealer? Perhaps, after engaging in another legal battle in a foreign country, and, presuming they win the lawsuit, if the seller is solvent. What due diligence was Mr. Steinhardt's responsibility? Was he to administer a lie detector test to a man he had done business with for many years? Was he to undertake a search of Interpol records? Was he supposed to communicate with the authorities in Italy? I do not think I would have resorted to such measures under the circumstances. Mr. Steinhardt simply relied on a man he trusted as a reputable dealer, one with whom he was well acquainted. Did purchasing the object from a Swiss dealer imply that something was amiss? Switzerland is a major center of the antiquity trade, dealers have been there for many years, and there cannot be an implication that they are all dishonest.

The court decision is being appealed and may be overturned. The outcome will not affect the basic problem highlighted by this affair. The central issue is whether or not a good faith buyer of art is to be held responsible for actions taken by others, including not only private dealers, but also auction houses. Private collectors do not have the research facilities, knowledge, or expertise available to museums, and cannot be held to the same standards. It is obvious to me that those who deal in the art trade should bear the responsibility. If they do not wish to undertake this, they should be drummed out of the trade. Surely, no collector, least of all Mr. Steinhardt, will think of dealing with either of the two vendors involved in this affair.

Fair play and the presumption of innocence that distinguish our legal system appear to be missing here, replaced by political correctness or just plain politics. If the government of Italy had come into a New York court with a claim of ownership of the gold plate, rather than having United States Customs seize it, there might have been a level playing field. There are questions which should have been answered by the Italians. One might have been why, if there was construction work in an archaeological region, there were no inspectors present? Secondly, why, if they heard of a theft, did they apparently make no effort to recover the object, or at least publicize its loss, at that time? How did they obtain this information years after the theft? One wonders if there might not be another story here? Is there the possibility of a *quid pro quo* between the United States Department of State and the Italian authorities, with this return as part of an unrelated bargain? In fact, why was the Italian government involved at all? If, as the court found, there were false customs declarations made, the phiale would simply have been returned to Italy.

The New York dealer who, presumably unbeknownst to Steinhardt, falsely declared the object, was the obvious wrongdoer. Should not he, or any other deceitful dealer, rather than the client, suffer the consequences of his own misconduct? Is there a victim besides Steinhardt in this sad story? I am afraid that it is the public, because no collector in his right mind will agree to lend his collection to a public exhibition, or even allow scholars to record and study it, with a threat of confiscation hanging over his head. Dealers and collectors must adhere to a clearcut code of ethics, but without an art market, this rare object undoubtedly would have been melted down and sold as bullion. I suppose that would have solved the difficult problem illustrated here. Out of sight, out of mind.

Jack A. Josephson
Chairman, IFAR
Former Chairman, Cultural Property Advisory Committee

Editor's Comment: *It should be noted that on March 6 a consortium of museum-related organizations – the American Association of Museums, the Association of Art Museum Directors, the Association of Science Museum Directors, and the American Association for State and Local History – filed an amicus curiae brief appealing the New York Federal District Court decision in the Steinhardt case. The museum community is concerned about the implications of that decision for museum collecting.*

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"Current Legal Issues in the Art Market: Stolen Art and Cultural Property"

Law Panel Debate; No Verdict

On April 27, The Association of the Bar of the City of New York, Committee on Art Law held a public forum as a follow-up to a private Cultural Property Roundtable held November 1996. In the interim, two prominent art cases had heightened awareness of the cultural property issues the Roundtable had addressed. The first was the Steinhardt Case [see also, previous article], which involved the U.S. government and resulted in the forfeiture of an antique platter purchased by a prominent New York collector. The second was the decision of the District of Attorney in New York to retain in New York, pending resolution of various claims, two Egon Schiele paintings lent by the Austrian government to an exhibit at the Museum of Modern Art.

The panelists represented various viewpoints, and the debate, which went far afield of the two cases in question, was left unresolved. But the evening did provide for lively – if lengthy – discussion, and proved that in the area of cultural property law, knowledgeable people disagree widely.

The evening was organized into 2 panels, both moderated by the Honorable Miriam Goldman Cedarbaum of the Southern District of New York. The first panel, devoted ostensibly to the Steinhardt Case, discussed the complex issues in the case and in cultural property law in general. Briefly, Mr. Michael Steinhardt, an antiquities collector, purchased a c. 450 BC gold bowl, called a phiale, for $1.2 million from a dealer, Robert Haber, whom he had dealt with for years. In turn, Haber had purchased the bowl from a Swiss dealer, who had purchased it in Sicily. Although the bowl was clearly of Italian origin, Haber had declared the phiale to be of Swiss origin on his U.S. Customs declaration. The court ruled against Mr. Steinhardt, and the decision is being appealed.

Whatever the final resolution of the appeal, it was clear from the panel discussion, that people found several aspects of the case troubling, even if, as Professor Patty Gerstenblith believed, it was a correct one and should withstand appeal. For Prof. Gerstenblith, Mr. Steinhardt didn't follow due diligence in seeking to determine the origin of the phiale, for which he had paid a sizeable sum of money. [In the previous article, Jack Josephson, IFAR Chairman, takes issue with Prof. Gerstenblith's views and with the court decision.] Nevertheless, Prof. Gerstenblith is troubled by the fact that the U.S. government effectively upheld the Italian government's right to claim ownership of the phiale and prevent exportation.

Other panelists were also troubled by the U.S. government's intervention in this case. Dr. Martin Sullivan, Chairman of the Cultural Properties Advisory Committee and a Museum Director, was also uncomfortable with the concept of the U. S. enforcing other countries' laws on cultural property, which often differ with our own. Rena Moulopoulos, an attorney with Sotheby's Holding Inc., felt that the Italian government hadn't proven its case on the one hand, and that it was "wrong" for the U.S. government to enter the home of a U.S. taxpayer and seize art which Mr. Steinhardt had bought in good faith. And that, moreover, too big a burden was placed in this case on the collector.

The discussion ranged much further, to a discussion of the UNIDROIT, negotiated in 1995, but not yet signed by either England or the United States, which makes the recovery of stolen/looted art easier and extends the statue of limitations.

Panel two, although ostensibly about the Egon Schiele case, barely addressed it, and focused instead on more general discussions of the statue of limitations – elucidated historically by Jeremy Epstein, an attorney with Shearman & Sterling, and the meaning of due diligence, elaborated by Lawrence Kaye, an art law attorney with Herrick, Feinstein. Van Kirk Reeves, a Parisian attorney with Porter & Reeves, gave the European perspective on some recent American activities, particularly the temporary seizure of the Egon Schiele paintings and noted that the case is "sending a chill through the European museum community, which is, in general, litigation shy." He noted that in Europe there is "a general concern now that the U.S. is trying to try European cases" for Europeans, which shows a general lack of respect for European law.

The complexity of some of the issues and the differing opinions on the cases under discussion led to an unclear resolution and a sympathy with Mr. Epstein's comment that "it's hard to counsel clients in matters of art law, given the difficulty of predicting the outcome." Laurence Kaye, on the other hand, thought things were a little clearer. Effectively, he noted, it's simple: "you can't get good title in stolen art cases."

Sharon Flescher

Call For Papers

IFAR seeks articles from academics, art professionals, and specialists in art and law for *IFAR Journal.*

Original papers pertaining to art authentication, fakes and forgeries; art and cultural property law; art theft and ownership; and other related issues will be considered.

Manuscript length: 1200–1800 words.
May be accompanied by high quality illustrations (authors must obtain publication permits).

Mail papers to Editor,
IFAR Journal, 500 Fifth Avenue, New York, NY 10110.
Inquiries: (212) 391-6234. Include daytime phone number.
We will contact authors whose articles are of interest.

Book Reviews

Titian's Women

Rona Goffen. 400 pp.
New Haven: Yale University Press.
$60.00 cloth.

Conservative scholars often deride feminist theory as "bad art history," sometimes with good reason. Traditional academicians such as John Shearman have rightly criticized the easy recontextualization of images by revisionists who entirely ignore the original circumstances of the object and the audience that received it. In Rona Goffen's latest work *Titian's Women,* she synthesizes recent trends in scholarship with an exacting examination of cinquecento Venetian society. In her analysis of Titian's female subjects, Goffen attempts to disprove scholars' recent claims that Titian's work was intended as pornography and proposes that he actually understood and appreciated women in a way that was unique among his contemporaries. As a byproduct, we learn much about Titian's overall approach to style and composition as well as the Venetian household and the female role within it.

Goffen uses a variety of methodologies, from traditional iconographic study to more recent feminist theories of the male gaze, while acknowledging their respective limitations in explaining his work. Although earlier scholars took Titian's friendship with the erotic writer Pietro Aretino as a clue to the meaning of his work, Goffen argues that Titian adopts the "voice of the female to solicit the beholder's empathetic response." The individuality and "inherent psychology" of Titian's women receive much weight to support her argument that their depiction is not pornographic. The misogyny of the era, either unrealistic idealization or blind hatred, is not evident in Titian's depictions. The male of the sixteenth century sought to define his masculinity and identity in opposition to his mother. Goffen argues that Titian was able to transcend this model to identify with the male in the female and the female in the male, thereby making himself the subject in his depictions of women.

Goffen relies on contemporary medical theorists and other writers to argue that Titian's nudes were comprehended much differently by cinquecento audiences. Often these subjects were wedding commemorations placed in the bed chamber as encouragements to conceive, advancing the sacred purpose of marriage. In this context, The *Venus of Urbino's* pose served as an instruction to an inexperienced bride on how to increase the probability of conception.[1] To assert Titian's piety in representing Mary Magdalene as a robust, scantily clad young woman in a 1530-35 painting now in the Pitti Palace, Goffen uses Vittoria Colonna's poetry in honor of the image to vouch for its spiritual legitimacy in the eyes of his contemporaries. To an era obsessed with beauty, its abnegation by the Magdalen for her devotion to Christ may have seemed the ultimate sacrifice.

In *Sacred and Profane Love,* another wedding commemoration, two images of the same idealized woman represent two aspects of marriage. Typically the couple was depicted in a marriage portrait, but here Goffen asserts that it is the bride's unique circumstances that the artist addresses. As a widow, orphan, and perhaps patron of the painting with her newly reacquired dowry , the subject of this commemoration (not a portrait because of the nudity) celebrates her renewed power and sexuality in her transition from widow to bride.

[1]For more perspectives on the *Venus of Urbino,* see *Titian's Venus of Urbino,* edited by Marcia Hall, Cambridge University Press, 1997.

Goffen reasonably demonstrates how the gaze of the woman in the wedding dress is reciprocal and directed at her new husband in an assertion of "societal preconditions for matrimony," namely consent, publicity, and consummation.

In Titian's other female subjects, Goffen notes specific choices that set Titian apart from tradition and his contemporaries. Often his women receive more prominence or sympathy than the male figures or Titian decides to forego all male representation entirely. This is evident in his *Three Ages of Man,* where Titian features a young couple instead of the typical depiction of a male youth, adult, and old man. The postcoital couple on the left form the apex of a triangular composition with two sleeping infants in the right foreground and an old man contemplating two skulls in the right background. Not only does the woman's status benefit from her apparent vitality while her lover lies spent, but also from her proximity to the children and her implied importance in bearing and raising them.

Rarely are Goffen's assumptions unsubstantiated, but some of her explanations can be unsatisfying, especially when the visual content of the paintings warrants a strong defense. For instance, she describes the nymph in the *Bacchanal of the Andrians* as "possessible by the male beholder, but at his own risk, and only when he yields to her sensuality." She justifies this interpretation as "consistent with Renaissance notions of lubricious females – and their male prey," which are not cited in this context and also appear to be in conflict with her assertion that Titian resisted the misogyny of his time.

In addressing the modern criticism for the Uffizi's *Venus and Cupid with a Partridge,* another marriage commemoration, Goffen's defense also seems slight given the powerful visual cues the painting offers to modern gaze theorists. The bloodied arrows may testify to the subject's conquest of the spectator, but does it matter when she is so physically vulnerable to his gaze? Goffen's refocusing of the argument to a discussion of Titian's privileging of sight in both art and sensual love enriches our experience of the painting, but offers little to diffuse the current theories. In similar later subjects, Titian included a musician and while the focus of his gaze appears unpardonable, Goffen is far more convincing in defending it.

In her aggregate approach to the artist, Goffen also examines the role of the paragone or competitive comparison imposed on Renaissance artists such as Michelangelo and Titian. In this environment, artists often felt compelled to assert their discipline as supreme over other arts and their talent over the ancients and each other. Although Michelangelo was dismissive of the paragone, he did argue for sculpture's precedence over painting. In addition to the usual *disegno* and *colorito* contrasts between central and northern Italian art, Goffen also employs the contrast of masculine form to feminine matter in her discussion of Titian's art. In this context, Michelangelo's obvious disregard of the realities of the female figure develop another stark – perhaps even moral – contrast to the very convincing women Titian painted in the north.

"IN MEMORIAM"

François Daulte

Died April 18, 1998

Internationally Renowned Scholar
Expert on Renoir, Sisley and others

Member of IFAR's
Art Advisory Council
Since 1971

Raphael's School of Athens

Edited by Marcia Hall.
194 pp. Cambridge and New York:
Cambridge University Press.
$54.95 cloth, $15.95 paper.

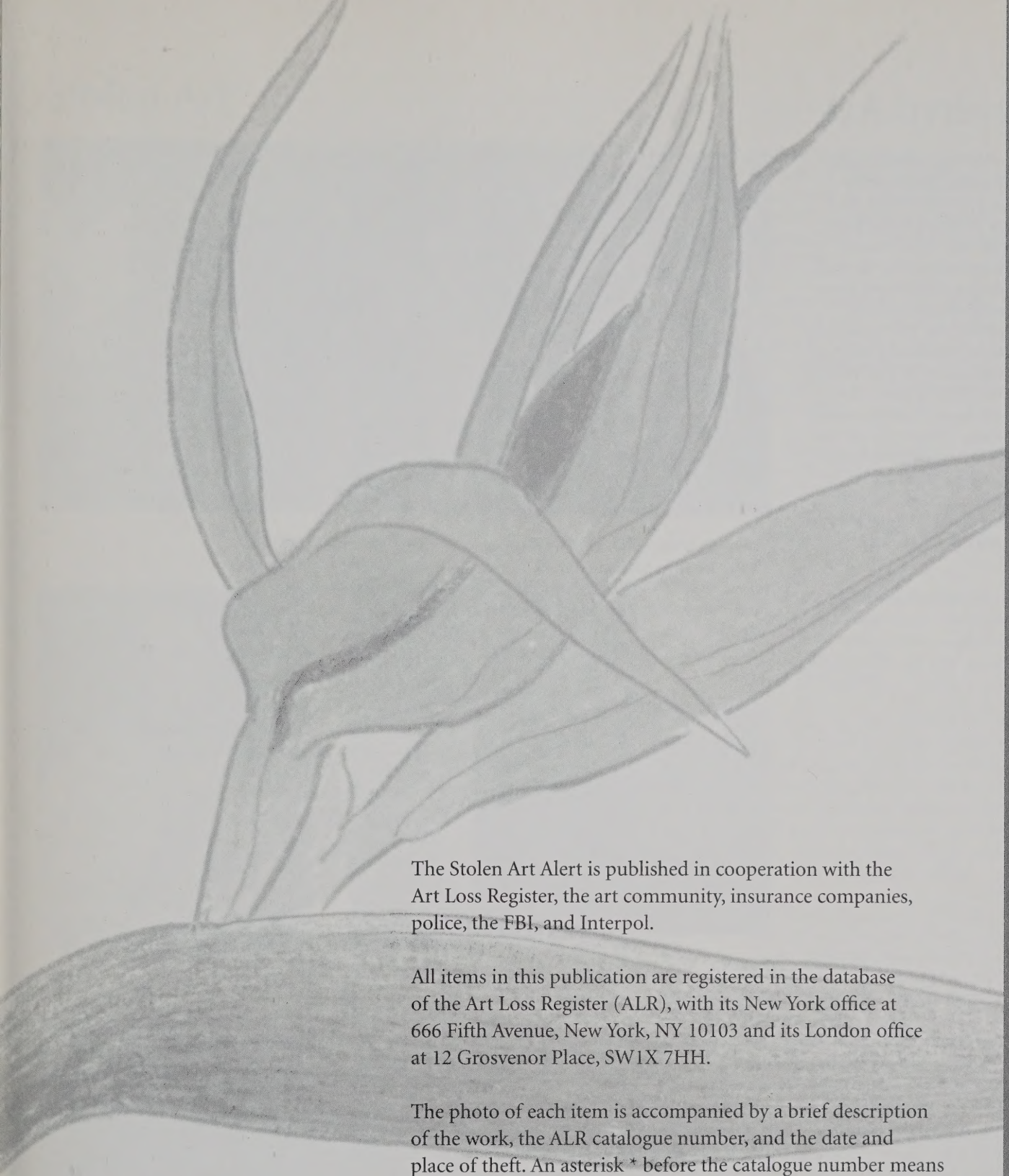
In contrast to the feminine-centered art of the north of Italy, an excellent example of the masculine-centered model from Rome is Raphael's *School of Athens,* the subject of a study edited by Marcia Hall. This collection of essays is a whole-work approach employing several scholars and methodologies to further the understanding of a painting. Hall includes seminal texts such as Giovan Pietro Bellori's remedy of Vasari's positive, but reserved assessment of Raphael in terms of Michelangelo's achievement and Heinrich Wölfflin's essay on the Camera della Segnatura from his 1899 work *Die klassische Kunst.*

Rather than attempt to reinvent the work of the illustrious group of scholars who have preceded them in this century, the modern writers Hall includes here build upon discrete topics that may have previously escaped more complete examination. Hall's introduction as well as her colleagues'analyses of the architectural setting, the color and chiaroscuro of the fresco, the appearance of famous pagans within a church building, and the intellectual environment in the papal court of Julius II, enrich the understanding of the fresco. Their work along with a chronological bibliography serve as an indispensable guide to Raphael scholarship during the almost 500 years since his death in 1520.

Old arguments such as Vasari's belief that Bramante was responsible for the architectural structure in the painting are discussed and evaluated in light of new ideas and the accumulated research to date. Particularly interesting and insightful are the attempts by Ingrid Rowland and Timothy Verdon to reconcile the pagan subjects within Raphael's Christian structure. These discussions include excellent introductions to the humanists and theologians of the era who helped shape the thought and decorative schemes of the high renaissance in Rome.

Overall, this collection of essays manages to cull many of the current tendencies in the scholarship of Raphael and even in art history in general. It would serve as a good introduction to anyone examining the artist's mature works or looking for a focused discussion of the theological, intellectual, and artistic environment in Rome at the beginning of the sixteenth century.

Jennifer Landes



Stolen Art Alert

The Stolen Art Alert is published in cooperation with the Art Loss Register, the art community, insurance companies, police, the FBI, and Interpol.

All items in this publication are registered in the database of the Art Loss Register (ALR), with its New York office at 666 Fifth Avenue, New York, NY 10103 and its London office at 12 Grosvenor Place, SW1X 7HH.

The photo of each item is accompanied by a brief description of the work, the ALR catalogue number, and the date and place of theft. An asterisk * before the catalogue number means that a photograph of the stolen work is available, although not necessarily included in this issue.

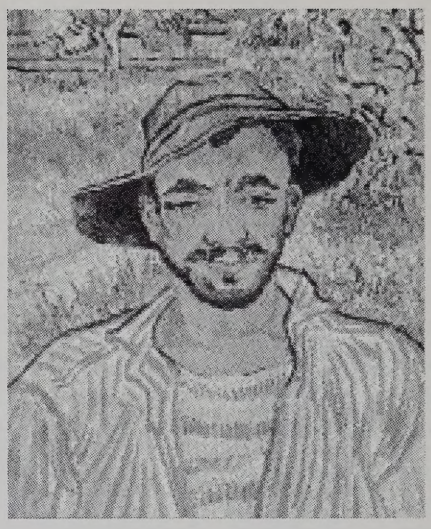
The information contained in each entry is supplied by the owner, and IFAR does not accept responsibility for its accuracy.

Anyone wishing additional information should contact Anna Kisluk at the ALR, (212) 262-4831.

Recovered Art

These three Post-Impressionist paintings were recovered, unharmed, by Italian police on July 6, 1998 in predawn raids in Turin and Rome. Eight people – all Italians – were arrested, including an employee of the National Gallery of Modern Art in Rome, from which the works were stolen in an armed robbery on May 19. The suspected robbers were professionals, although not art thieves, and two had served time for armed robbery in Belgium. They had apparently hoped to sell the works abroad to private collectors for $18 million dollars, but this was unrealistic at best, given the fame of the works. The Van Gogh paintings are the only oils by the artist in Italy, and the Cézanne is the only major work by him in Italy.

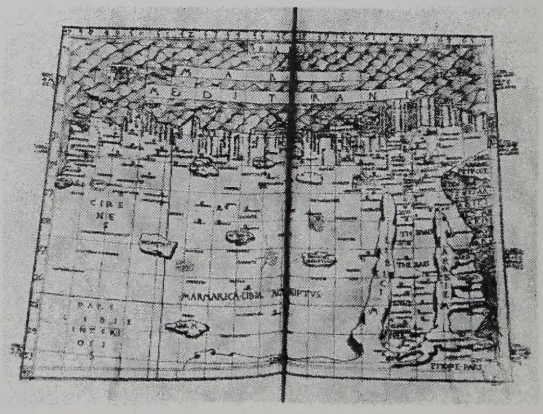
Van Gogh (Dutch, 1853–90). *L'Arlésienne,* 1890. Portrait of Madame Ginoux. Oil on canvas, 65.0 x 50.0 cm. One of three similar portraits that Van Gogh based on a drawing made by Paul Gauguin when Gauguin was in Arles in 1888. *L98.1288.1.



Van Gogh (Dutch, 1853–90). *Le Jardinier.* Oil on canvas. 61.0 x 50.0 cm. *L98.1288.2.

Paul Cézanne (French, 1839–1906). *Le Cabanon de Jourdan,* 1906. Oil on canvas. 65.0 x 81.0 cm. This is thought to be the last landscape made by Cézanne before he died in October 1906. *L98.1288.3.

French police recovered Ptolemy's *Cosmographia* in London in May 1998, nearly one year after it was stolen from the Bibliothèque Nationale in France. One of the earliest printed atlases, *Cosmographia* was printed in Bologna, Italy in 1477 by Domenico de Lapi and is valued at around five million francs. The police discovered the atlas in a catalogue at Christie's, where it had been offered for sale by a Frenchman with false ownership papers. *N98.117. Interpol no. E-144/11-1997.



Stolen Art

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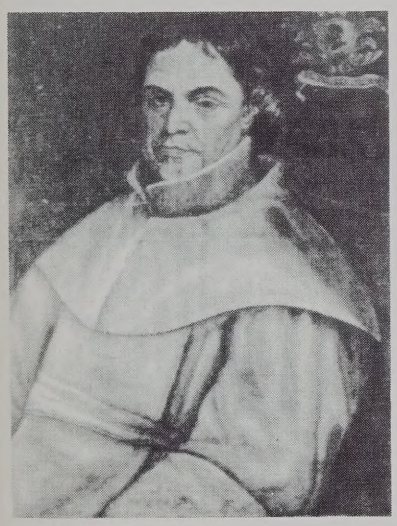

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PAINTINGS

57. Pieter Jozef Verhaghen (Belgian, 1728–1811). *Eliezer and Rebecca at the Well.* 192.0 x 89.0 cm. Signed and dated 1799. *L97.875.1. Stolen from a church in Leuven, Belgium. Dec.17, 1996. Interpol No. E-126/10-1997.

58. Pieter Jozef Verhaghen (Belgian, 1728–1811). *The Disciples at Emmaus.* 103.0 x 86.0 cm. Signed and dated 1773. *L97.875.2. Stolen from a church in Leuven, Belgium. Dec. 17, 1996. Interpol No. E-126/10-1997.

59. Unknown (from Brabant). *Abbé Paul de Bruyn.* 77.0 x 67.0 cm. The words: "F PAUL DEBRUYN PRIOR A 1686." on the upper right. Stolen from a church in Leuven, Belgium. Dec. 17, 1996. Interpol No. E-126/10-1997.

60. Pieter Jozef Verhaghen (Belgian, 1728–1811). *Georges Joseph Verhaghen.* 40.5 x 31.0 cm. Stolen from a church in Leuven, Belgium. Dec. 17, 1997. Interpol No. E-126/10-1997.

61. *Spirale.* Marc Chagall (b. Russia, 1887; d. France,1985). Oil on canvas. 49.5 x 41 cm. Bears five signatures in Roman characters, four in Cyrillic characters and, at bottom right, the inscription "witebsk 1918." On the back are five stamps bearing the words "Dr. S. Sakr." *N98.110. Jbeil, Lebanon. Feb. 17, 1997. Interpol no. E-10/2-1998.

62. Alfred Sisley. (French, 1839–99). *River Bank.* Oil on panel. 10.0 x 14.0 cm. Signed in red l/l. *N98.116.1. Stolen from a museum in Périgueux, Dordogne, France. Oct. 27, 1997. Interpol No. E-138/11-1997.

63. Virginia Hemingson (Canadian, 20th century). *Lake Louise Winter Festival.* Oil on canvas. Framed. 30.0 x 40.0 cm. *L97.864.1. Banff, Alberta, Canada. Dec. 24, 1996.

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Stolen Art

SCULPTURE

64. Clare Sheridan (British, 20th century). Garden statue of three birds, c. 1920. Bronze. *L98.116.1. West Sussex, England.

65. *St. Barbara.* Polychrome wood. Approx. ht. 80.0 cm. *N98.93.1. Stolen from a church in Luxembourg, Belgium. June 10–17, 1996. Interpol No. E-83-7-1997.

66. *St. Cecilia.* Polychrome wood. Approx ht. 80 cm. *N98.93.2. Stolen from a church in Luxembourg, Belgium. June 10–17, 1996. Interpol No. E-83/7-1997.

67. *St. Francis Xavier.* Polychrome wood. Approx ht. 95.0 cm. *N98.93.3. Stolen from a church in Luxembourg, Belgium. June 10-17, 1996. Interpol No. E-83-7-1997.

68. *St. Wandelin.* Polychrome wood. Approx ht. 95.0 cm. *N98.93.4. Stolen from a church in Luxembourg, Belgium. June 10–17, 1996. Interpol No. E-83/7-1997.

69. *Madonna and Child.* 16th century. Wood. Ht. 43.5 cm. *L97.875.5. Stolen from a church in Leuven, Belgium. Dec. 17, 1996. Interpol no. E-126/10-1997.

70. Dino Rosin (American, 20th century). *Violin.* *N98.130.1. Aspen, CO. Jan. 23, 1997.

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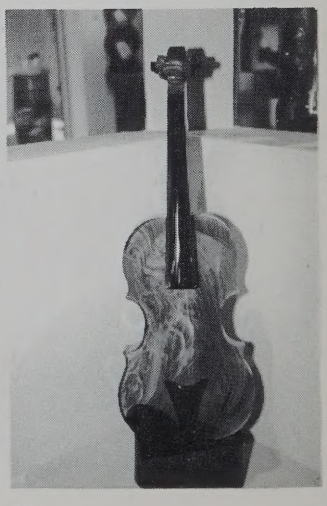

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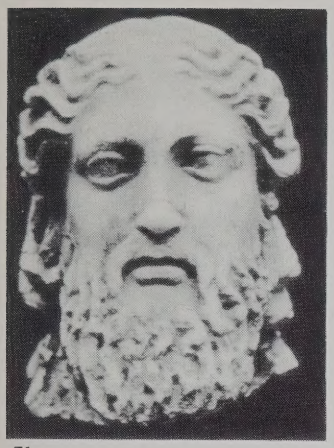
Stolen Art



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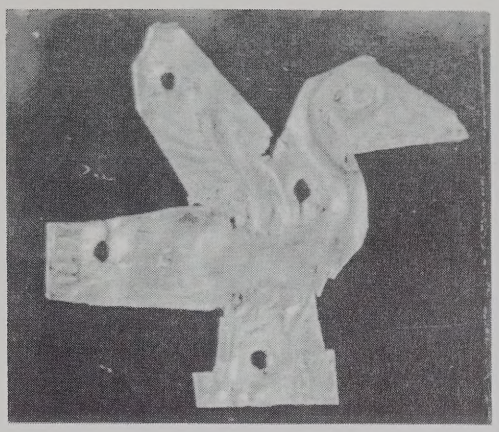

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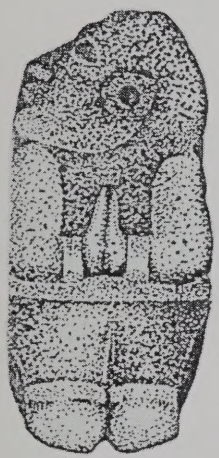
ANTIQUITIES

71. *Head of Zeus.* Marble. Ht. 15 cm. W. 8.4 cm. Marked "Inventory number 1649" in ink. *N98.100. Stolen from a museum in Copenhagen, Denmark. Dec. 1996. Interpol no. E-135/10-1997.

72. Gold ornament. 6th century BC. Ht. 1.5 cm. W. 1.5 cm. Wt. 0.15 g. *N98.113. Stolen from a museum in Ankara, Turkey. Feb. 14, 1996. Interpol no. E-43/4-1997.



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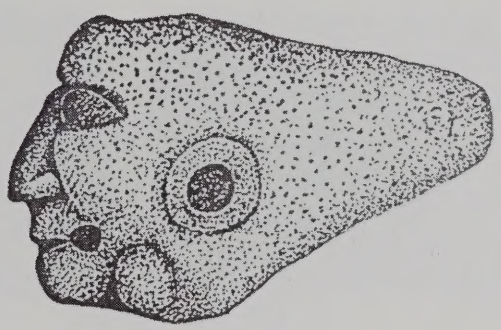


74

PRE-COLUMBIAN

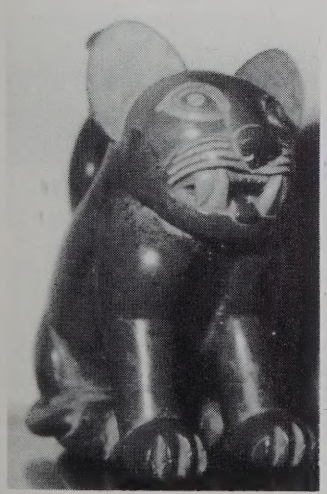
73. Standing Figure. Jade. Ht. 6.0 cm. W. 3 cm. Approx D. 2.5 cm. Originally part of a necklace. *N98.160.1. Taken from the Margarita Tomb, Copán, Honduras. Feb. 27, 1998.

74. Face in Profile. Jade. Originally part of a necklace. *N98.160.3. Stolen from the Margarita Tomb, Copán, Honduras. Feb. 27, 1998.

The following pre-Columbian artifacts (75–81) were stolen from a private collection in New York, NY on April 3, 1998:

75. Moche Feline Stirrup Spout Vessel. Ht. 8 in. *N98.156.20.

76. Coche Gold Cast Double Alligator Pendant with Green Stones. Ht. 180 cm. *N98.156.38.



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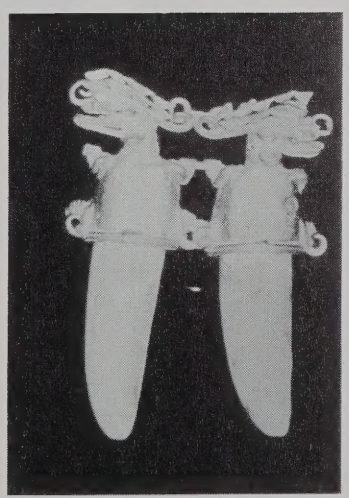

76

Stolen Art

PRE-COLUMBIAN

77. Tairona Gold Cacique Warrior. Ht. 2 in. *N98.156.41

78. Tiahuanaco Ceramic Feline Incense Burner. 9¾ in. x 17 in. *N98.156.4.

79. Recuay Monkey Whistle. Clay. Length 4½ in. *N98.156.45.

80. Cocle Gold and Quartz Crystal Double Crocodile Pendant. 3 in. x 5 in. *N98.156.2.

81. Veraquas Gold Deity Pendant with Animal Mask. 4½ in. x 4¼ in. *N98.156.3.

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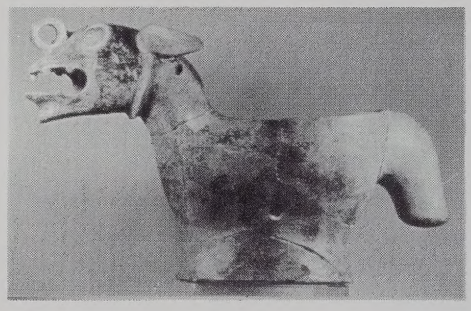

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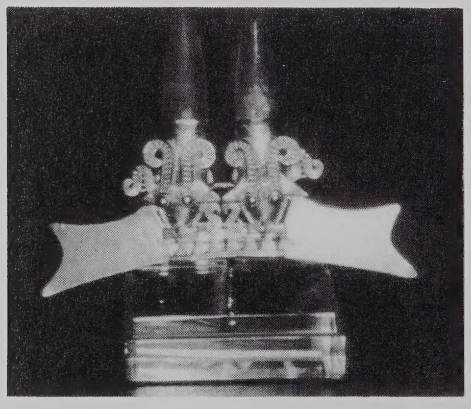

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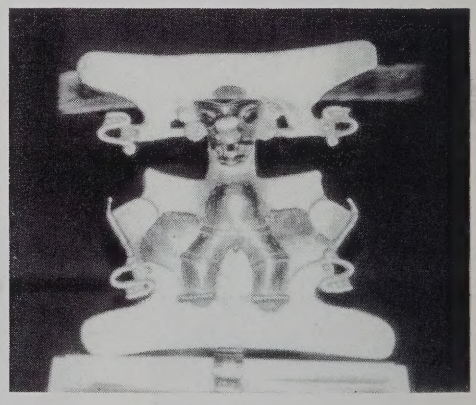


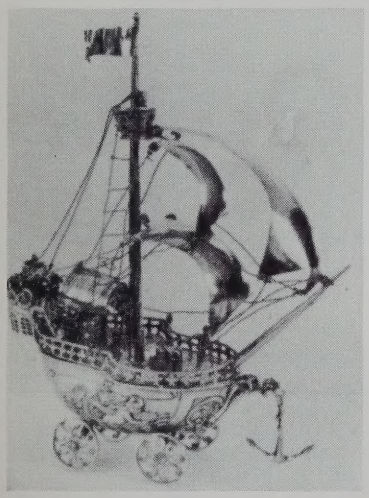
81

Stolen Art

82

ASIAN ART / SCULPTURE

82. *Buddha* (Lan Na era, 13th-19th centuries). Bronze. Ht. 113 cm. W. 82 cm. *N98.109. Stolen from a temple in Lampang, Thailand. May 19, 1997. Interpol no. E-11/2-1998.



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84

SILVER

83. Louis XIV sweetmeat holder. Silver. Ht. 20 cm. Hallmarks: "py," "BM," fleur de lys, "925" and "F." *N98.115.3. Yvelines, France. May 6, 1997. Interpol No. E-66/6-1997.

84. Empire coffee pot. Silver with ebony handle. Ht. 25 cm. *N98.115.5. Yvelines, France. May 6, 1997. Interpol No. E-66/6-1997.

85. Empire jam pot. Silver gilt and crystal. Ht. 25 cm. "Coq No. 2" hallmark engraved at lid height or near base. *N98.115.6. Yvelines, France. May 6, 1997. Interpol No. E-66/6-1997.

86. Empire sugar bowl. Silver and crystal. Ht. 18 cm. *N98.115.9. Yvelines, France. May 6, 1997. Interpol No. E-66/6-1997.

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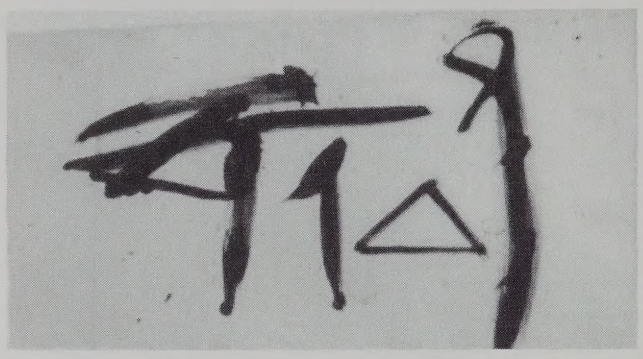
Missing Art Alert

Inclusion of works in this list is based on information that each of the reported pieces is missing and its whereabouts unaccounted for; listing does not necessarily imply theft or any illegality on the part or any person.

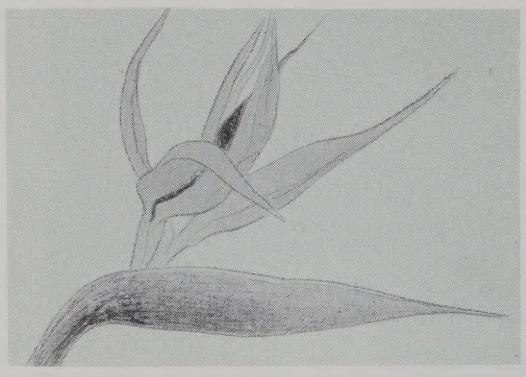
PAINTINGS



1

1. Robert Motherwell (American, 1915-91). *Drunk with Turpentine #8,* 1979. Oil on paper. 29 x 23 in. Signed: Robert Motherwell. Dated: 2 May 79 in ink u/l . *N98.82.5. One of five works by Motherwell missing from a New York collection.

WORKS ON PAPER



2

2. Joseph Stella (b. Italy, 1877; d. U.S., 1946). *Bird of Paradise.* Silverpoint and colored pencil. 3.5 x 5.25 in. *N98.127. New York, NY. Disappeared sometime in 1997.

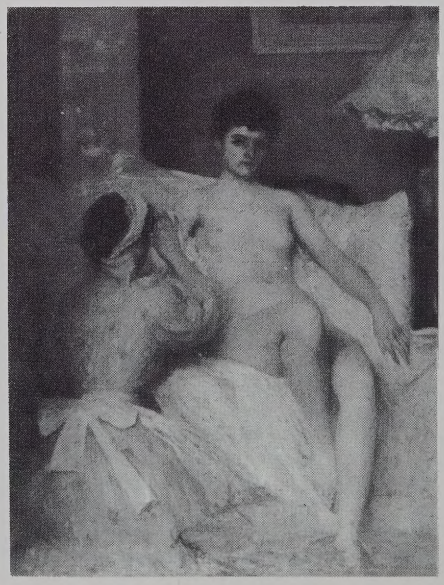
DECORATIVE ARTS

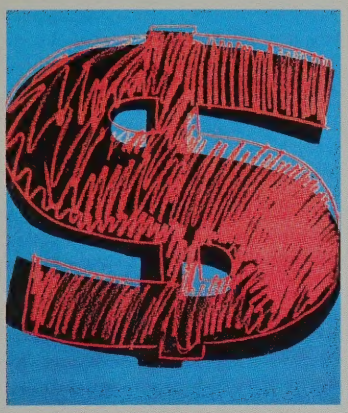
3

3. Paul Gauguin (French, 1848-1903). Wooden jar with cover. Ht. 16.5 cm. Tamanu wood. Signed on the bottom shoulder: P Go. *N98.91. Missing from a New York location since Mar. '91. *Reward.*

No Longer Missing

Edmund Charles Tarbell (American, 1862-1938). *The Bath or After the Bath,* 1883. Oil on canvas. 101.0 x 76.3 cm. *N89.552.1.





87

89

88

4

5

6

7

Stolen

87. Andy Warhol (American, 1928–87). *Dollar Sign.* Paint and silkscreen on canvas. 20 x 16 in. One of two such paintings stolen. The other (not shown) has an orange-yellow dollar sign on a red ground. *N98.78.1-2. Stolen from a gallery in New York, NY. Feb. 14, 1998.

88. Davis Cone (American, 20th century). Cameo with Volkswagen, 1998. Acrylic on canvas. 18.0 x 12.25 in. *N98.126. Stolen from a gallery in New York, NY. Apr. 3, 1998

89. Betty Woodman (American, 20th Century). *Josephine,* c. 1985–88. Porcelain and glaze. 4 x 8 x 7 in. Stamped on saucier: "Woodman." *N98.107. New York, NY. Jan. 1, 1998.

Missing

4. Pablo Picasso (Spanish, 1881–1973). *Bunch with Apple* (R 305), 1956. Ceramic plate. D. 25.0 cm. *N98.132.1. Disappeared from a gallery in New York, NY between Apr. '97 and Mar. '98.

5. Pablo Picasso (Spanish, 1881–1973). *Face no. 0* (R 458), 1963. Ceramic plate. D. 25.0 cm. Numbered 303 of 500. *N98.132.2. Disappeared from a gallery in New York, NY between Apr. '97 and Mar. '98.

6. Pablo Picasso (Spanish, 1881– 1973). *Visage Grave Fond Grège (R 29),* 1947. Ceramic plate. D. 32.0 cm. Numbered 102 of 200. *N98.132.3. Disappeared from a gallery in New York, NY between Apr. '97 and Mar. '98.

7. J & E Stevens Co. (American, 20th century). Cast iron bank. Marked "A Calamity." Also called "The Football Bank." *N98.60.1. New York, NY. Oct. 15, 1997.

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